



Attorney Docket Number 1997.341 US D1

# 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

RECEIVED

JAN 30 2004

OFFICE OF PETITIONS

DUTTA ET AL

Serial Number: 10/055,536

Group Art Unit: To be assigned

Filed: January 23, 2002

Examiner: To be assigned

For: A SIZE-VARIABLE STRAIN SPECIFIC PROTECTIVE ANTIGEN FOR POTOMAC HORSE FEVER

**PETITION UNDER 37 CFR §1.181 FOR WITHDRAW OF ABANDONMENT**

Assistant Commissioner of Patents  
Alexandria, VA 22313

January 26, 2004

**I. Introduction**

Applicants respectfully respond to the Notice of Abandonment issued January 16, 2004 as follows, please charge any required fees and credit any credits to deposit account 02-2334.

## **II. Remarks and Conclusion**

Applicants filed a response to the Notice to File Missing Parts of Nonprovisional Application of March 22, 2002 on April 11, 2002 via first class mail with certificate of mailing. In support of that filing Applicants have included a copy of the Notice and Exhibits A-D as follows. Accordingly, Applicants respectfully petition the Commissioner under 37 CFR § 1.181 to withdraw the holding of abandonment and restore any lost patent term.

### **1. Exhibit A**

A complete copy of the response as filed on April 22, 2002. This includes the Transmittal Form indicating 20 pages in the submission, the Response, copy of the Notice to File Missing Parts, copy of the Declaration, Power of Attorney and Petition, copy of Substitute Drawings (Figures 1 – 9)

### **2. Exhibit B**

The postcard as returned from the USPTO on June 10, 2002.

### **3. Exhibit C**

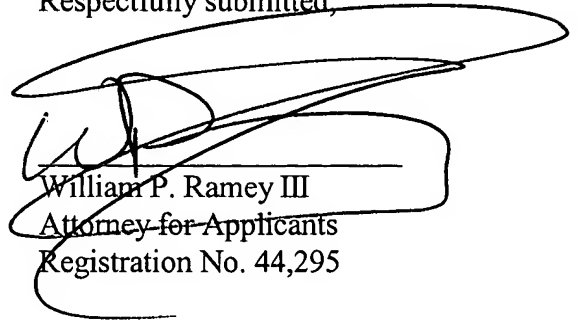
A copy of Applicant's United States Patent and Trademark Office Deposit Account Statement with \$130.00 surcharge due as part of the response to Notice to File Missing Parts highlighted as billed to the account on April 19, 2002.

### **4. Exhibit D**

A copy of a Request for Status as filed August 11, 2003 requesting the status of the pending application. This includes the request, fax transmittal, fax certification and fax confirmation.

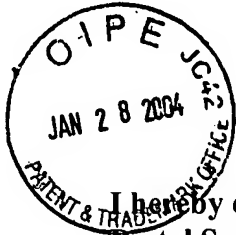
In conclusion, please remove the holding of abandonment and award a patent term extension commensurate with the time the response has been lost at the Patent Office. Further, please contact the undersigned attorney for any assistance. Please charge any required fees and credit any credits to deposit account 02-2334.

Respectfully submitted,



William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Akzo Nobel Patent Department  
Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305



## Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Alexandria, VA 22313

RECEIVED

JAN 30 2004

OFFICE OF PETITIONS

On: January 26, 2004

Signature

Typed or Printed Name      KATRINA MEARS

USSN 10/05536  
Docket Number 1997.341 US D1

Postcard  
Petition Under 37 CFR 1.181 for Withdraw of Abandonment (3 pages)  
Copy of Notice (2 pages)  
Exhibits A-D

# Exhibit A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/055,536

Filing Date 01/23/2002

First Named Inventor DUTTA ET AL

Group Art Unit TBA

Examiner Name TBA

Total Number of Pages in This Submission 20

Attorney Docket Number Dutta-001

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☒ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☒ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence  
Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication  
to Group☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
identify below):

Oath/Declaration

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual nameIntervet Inc. Patent Department, Akzo Nobel  
William P. Ramey III

Signature

Date

04/11/2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

4/11/2002

Typed or printed name

William P. Ramey III

Signature

Date

04/11/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

DUTTA ET AL

Serial Number: 10/055,536

Group Art Unit: To be assigned

Filed: January 23, 2002

Examiner: To be assigned

For: A SIZE-VARIABLE STRAIN SPECIFIC PROTECTIVE ANTIGEN FOR  
POTOMAC HORSE FEVER

RESPONSE TO NOTIFICATION OF MISSING PARTS

Assistant Commissioner of Patents  
Washington, D.C. 20231


April 11, 2002

Sir:

Enclosed in response to the Notification of Missing Parts of Nonprovisional Application in the above-identified application is, as requested, a copy of the Notification along with a properly signed Oath and Declaration and Substitute Drawings.

Please charge the \$130.00 surcharge as set forth in 37 C.F.R. § 1.16(1) and any additional fees required with this paper to our Deposit Account No.02-2334.

Respectfully submitted,

  
William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

**I-DUTTA**

Intervet Inc. Patent Department  
Akzo Nobel  
Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305  
WMB:kmm

5/22/02



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/055,536	01/23/2002	Dutta	I/Dutta-001

CONFIRMATION NO. 9200

## FORMALITIES LETTER



\*OC000000007698580\*

Intervet Inc, Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966-0318

Date Mailed: 03/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - Numbers, letters, and reference characters must measure at least 0.32 cm (1/8 inch) in height.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604



(September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

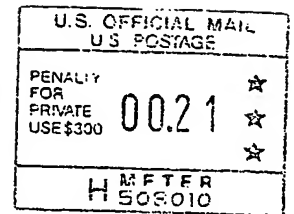


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# Exhibit B



Katrina Mears  
Intervet  
P.O. Box 318  
Millsboro, DE 19966

19966+0318 03

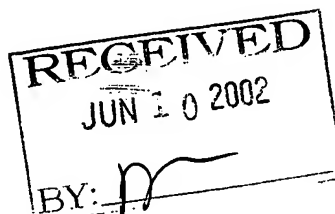


April 11, 2002

In RE: DUTTA ET AL USSN 10/055,536

Receipt is acknowledged of the papers and fees listed below in the above-identified application on April 11, 2002.

Transmittal Form  
Response to Missing Parts  
Copy of Notice  
Declaration  
Drawings  
Fees \$130.00



# Exhibit C



**United States  
Patent and  
Trademark Office**

Return To:

USPTO  
Home  
PageFinance  
Home  
Page**Deposit Account Statement**

**Requested Statement Month:** April 2002  
**Deposit Account Number:** 022334  
**Name:** INTERVET INC. PATENT DEPT./ AKZO NOBEL  
**Attention:** ATT: WILLIAM M.BLACKSTONE  
**Address:** P.O. BOX 318  
**City:** MILLSBORO  
**State:** DE  
**Zip:** 19966

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/02	1	09485613	T/97303US	117	\$920.00	\$26,680.00
04/02	78	08118905		142	\$1,280.00	\$25,400.00
04/02	79	08118905		561	\$30.00	\$25,370.00
04/03	1	09498848	99457 US	117	\$920.00	\$24,450.00
04/03	4	PAYMENT		701	-\$30,000.00	\$54,450.00
04/04	3	09856653	I/98414 US	117	\$920.00	\$53,530.00
04/05	2	09513487	I/99463US	115	\$110.00	\$53,420.00
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04/05	10	10087573	I2001.004US	103	\$486.00	\$53,636.00
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04/11	95	09380695	O/97263	154	\$130.00	\$50,616.00
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04/12	497	PCT/US01/27601	2000.608 WO	190	\$490.00	\$49,090.00
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04/17	10	10049393		970	\$890.00	\$43,152.00
04/17	11	10048749		970	\$890.00	\$42,262.00
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04/18	334	09870032	0/97259 US/D	561	\$30.00	\$40,568.00
04/19	123	10055536	I/DUTTA-001	105	\$130.00	\$40,438.00
04/22	36	10125087	2000.610 US	101	\$740.00	\$39,698.00
04/22	37	10125086	2000.610 US	101	\$740.00	\$38,958.00
04/22	48	5827646		183	\$880.00	\$38,078.00
04/25	54	10110869	0/99493US	970	\$890.00	\$37,188.00
04/25	55	10110869	0/99493US	581	\$40.00	\$37,148.00
04/26	36	10128628	I 2001.007 U	101	\$740.00	\$36,408.00
04/29	14	09446340	146.1332	581	\$40.00	\$36,368.00
04/29	121	10131867	N 97310 US D	101	\$740.00	\$35,628.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$27,600.00	\$22,674.00	\$30,702.00	\$35,628.00

[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Office of Finance Home Page](#)

# Exhibit D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

DUTTA ET AL

Serial Number: 10/055,536      Group Art Unit: To be assigned

Filed: January 23, 2002      Examiner: To be assigned

For: A SIZE-VARIABLE STRAIN SPECIFIC PROTECTIVE ANTIGEN FOR  
POTOMAC HORSE FEVER

REQUEST FOR STATUS

Assistant Commissioner of Patents  
Washington, D.C. 20231

August 11, 2003

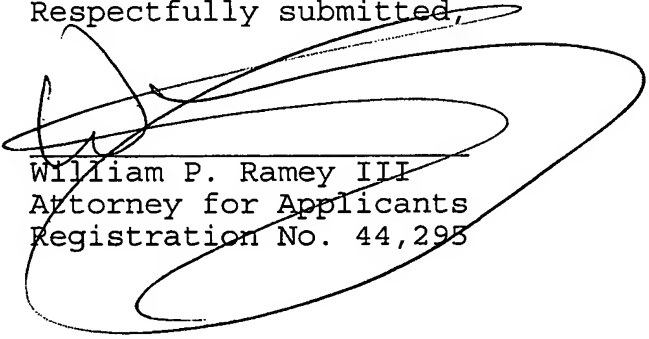
Sir:

The undersigned attorney requests the status of the  
above-identified application.

This application was filed in the Patent and Trademark  
Office on January 23, 2002 and to-date no Office Action has been  
received.

In the event any fees are required with this paper,  
please charge our Deposit Account No. 02-2334.

Respectfully submitted,



William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. I 1997.341 US D1

Akzo Nobel Patent Department  
Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305



Telefax Transmittal  
Cover sheet



Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
(302) 934-8051

August 11, 2003

3...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
------------	------------------	-------------

Tech Center 1600 Customer  
Service

Group Art Unit 1645

703 872 9305

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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William P. Ramey III

Intervet, Millsboro  
Patent Department

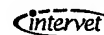
302 934 4305

RE: USSN 10/055,536  
Dutta et al  
Filed January 23, 2003

Please find the documents that follow in the above-identified application:

Certificate of Transmission (1 page)

Request for Status (1 page)



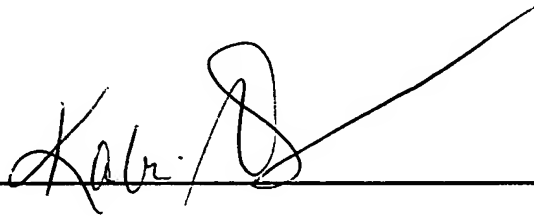
THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

## Certificate of Facsimile Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

On: August 11, 2003

Signature

A handwritten signature in black ink, appearing to read 'Katrina Mears', written over a horizontal line.

Typed or Printed Name      KATRINA MEARS

Dutta et al  
USSN 10/055,536  
Attorney Docket Number 1997.341 US D1

Request for Status (1 page)

HP OfficeJet T Series  
Personal Printer/Fax/Copier/Scanner

Fax History Report for  
Intervet Inc.  
934 4305  
Aug 11 2003 2:09pm

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Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 11	2:08pm	Sent	917038729305	0:56	3	OK

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Result:

OK - black and white fax  
OK color - color fax